

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 JUSES-00 SCA-01 SNM-02 DEAE-00

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R 301704Z APR 75

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 1704

AMEMBASSY PARIS

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DEPT PASS DEA HQS, ATTN: EOIE

PARIS PASS DEA REGIONAL DIRECTOR

E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, SP, FR

SUBJ: EXTRADITION: JOSE JIMENEZ CENTOR

REF: A) MADRID 1882 B) STATE 66416 C) PARIS 10318

1. PURSUANT TO APPROVAL IN REF B TO INFORMAL DEMARCHE RECOMMENDED IN REF A, EMBOFF DISCUSSED EXTRADITION CASE OF JIMENEZ CANTOR WITH JUDGE IN CHARGE OF PENAL AFFAIRS, APPEALS AND JURISDICTION DISPUTES IN MINISTRY OF JUSTICE APRIL 30. JUDGE HAD OFFICIAL FILE OF CASE AND SAID THAT SPANISH EMBASSY IN PARIS HAD INFORMED GOS IN FEBRUARY OF TENTATIVE FRENCH DECISION TO EXTRADITE JIMENEZ TO SPAIN AS SOON AS HE COMPLETED PRESENT SENTENCE IN FRANCE. OWING TO INDEPENDENCE OF SPANISH COURTS, JUDGE SAID HE DOUBTED IF COURT HAVING JURISDICTION OF KIMENEZ CASE WOULD ACCEDE TO WITHDRAWAL OF EXTRADITION REQUEST.

2. FOLLOWING EMBOFF'S PRESENTATION ALONG LINES IN PARA 4 OF REF A, JUDGE SAID GOS WOULD RESPECT FRENCH DECISION ON CONTRY TO WHICH JIMENEZ SHOULD BE EXTRADITED, BE IT SPAIN OR THE U.S. HE NOTED THAT IT WAS INTERNATIONAL PRACTICE, IN THE INTEREST OF JUSTICE, FOR A COUNTRY FROM WHICH TWO OTHER

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COUNTRIES REQUEST EXTRADITION OF A CRIMINAL TO DECIDE IN A

MANNER WHICH WOULD ALLOW SUBSEQUENT TRIAL/SENTENCE IN SECOND COUNTRY FOLLOWING TRIAL/SENTENCE IN FIRST COUNTRY. JUDGE THEN LOOKED UP RELEVANT PROVISION IN FRENCH LAW -- ARTICLE 6 OF LAW OF EXTRADITION ADOPTED MARCH 27, 1927 -- WHICH SPECIFICALLY PROVIDES FOR EXTRADITION TO EITHER OF TWO REQUESTING COUNTRIES PROVIDING THERE IS AGREEMENT WITH EACH THAT THEY WILL EXTRADITE IN TURN CRIMINAL TO SECOND COUNTRY FOLLOWING EXTRADITION FROM FRANCE. THIS SAME ARTICLE PROVIDES THAT DECISION MUST ALSO BE BASED ON (A) DATE OF REQUESTS FOR EXTRADITION, (B) SERIOUSNESS OF CRIME, AND (C) PLACE OF CRIME.

3. JUDGE SAID THT IT WAS UP TO FRANCE TO DECIDE WHETHER U.S. OR SPAIN SHOULD HAVE JIMENEZ FIRST; SECONDLY FRANCE COULD REQUEST COMMITMENT FROM U.S. TO TURN OVER JIMENEZ TO SPAIN FOLLOWING TRIAL/SENTENCE IN U.S. AS PRECONDITION FOR HIS EXTRADITION OT U.S. ASKED IF SPAIN WOULD HAVE ANY OBJECTION TO THIS PROCEDURE, JUDGE REPLIED NO.

4. IN THE EVENT THAT U.S. WERE UNABLE TO OBTAIN JIMENEZ FROM FRANCE AND HE WAS RETURNED TO SPAIN FOR TRIAL/SENTENCE, JUDGE SAID THIS EVENTUALITY WOULD NOT EXCLUDE SUBSEQUENT SEPARATE TRIAL/SENTENCE UNDER SPANISH LAW BASED ON U.S. EVIDENCE FOR CIOLATION OF U.S. LAWS.

5. IN EMBASSY VIEW, JUDGE'S PRESENTATION OF SITUATION AMOUNTS TO SPANISH ACQUIESCENCE TO STRICT ADHERENCE TO FRENCH LAW LEAVING WAY CLEAR FOR JIMENEZ TO BE EXTRADITED TO U.S. ON CONDITION THAT U.S. GIVE FRENCH PLEDGE THAT, ONCE HAVING STOOD TRIAL IN U.S. AND SUBSEQUENT SENTENCE, THAT HE THEN BE EXTRADITED TO SPAIN. IF EMBASSY PARIS HAS ALREADY REACHED AN INFORMAL UNDERSTANDING WITH FRENCH ON EXTRADITION TO U.S. THEN WAY WOULD SEEM TO BE CLEAR AS LONG AS SPANISH ARE ASSURED, BY MEANS OF U.S. PLEDGE TO FRENCH, THAT THEY WILL EVENTUALLY GET JIMENEZ.

6. EMBASSY MADRID REQUESTS THT EMBASSY PARIS KEEP US INFORMED OF DEVELOPMENTS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION
Control Number: n/a
Copy: SINGLE
Draft Date: 30 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: buchandr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MADRID02969
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750153-0160
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975044/aaaaadax.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 MADRID 1882, 75 STATE 66416, 75 PARIS 10318
Review Action: RELEASED, APPROVED
Review Authority: buchandr
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2003 by BoyleJA>; APPROVED <06 OCT 2003 by buchandr>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION: JOSE JIMENEZ CENTOR
TAGS: CPRS, PFOR, SNAR, SP, FR, (CENTOR, JOSE JIMENEZ)
To: STATE PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006